

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :

**v. : 19-mj-01595-UA**

JAMELIA PHILLIPS

**DEFENDANT’S MOTION TO AUTHORIZE CRIMINAL JUSTICE ACT  
FUNDS FOR LEGAL COUNSEL WITH EXPERTISE IN IMMIGRATION  
LAW**

## I. INTRODUCTION

Defendant, Jamelia Phillips (“Phillips”), pursuant to the compensation levels for ancillary expert services provided by the United States Criminal Justice Act for indigent defendants, asks the Court to enter an Order in the form submitted, authorizing compensation up to the statutory maximum amount of \$2,600.00, to be paid to an Attorney with expertise in the field of Immigration Law, who would be able to advise Phillips, a citizen of Jamaica, on the consequences of a conviction in this case on eligibility for United States Citizenship, potential deportation, the ability to return to the United States if deported, and related issues. In further support of this Motion, Phillips states as follows.

## II. PROCEDURAL HISTORY

1. Phillips was arrested on September 18, 2019, after corrections personnel at FDC Philadelphia, 700 Arch Street, Philadelphia, PA 19107, allegedly observed Phillips provide contraband to J.R., a male inmate at FDC Philadelphia.

2. The interactions between Phillips and J.R. were video recorded from several different angles as they occurred on September 18, 2019, and the resulting video recordings have been provided to undersigned counsel and reviewed by Phillips.

3. In a Criminal Complaint prepared by an FBI Special Agent on September 18 and filed on September 19, 2019, the Government alleged that Phillips had provided contraband to J.R. in violation of 18 U.S.C. § 1791 (a)(1).

4. United States Magistrate Judge Richard A. Lloret appointed undersigned counsel to represent Phillips on September 19, 2019, and counsel visited Phillips at FDC Philadelphia on Saturday, September 21, 2019.

5. On September 23, 2019, Phillips waived her right to a preliminary hearing and stipulated to probable cause for the incident alleged by the Criminal Complaint. Based on the pendency of an Immigration Detainer obtained by the United States Immigration and Customs Enforcement Agency (“ICE”), Phillips also consented to detention pending the resolution of this case.

6. On October 1, 2019, undersigned counsel advised the Government that Phillips was willing to be charged by Information and would further provide the Government with a 30-day extension to file an Information against Phillips. Phillips, who has no prior criminal record, has provided these accommodations to the Government in the hope that they can facilitate a prompt resolution of this case.

**III. MOTION TO AUTHORIZE COMPENSATION FOR  
IMMIGRATION ATTORNEY SERVICES IN THE AMOUNT OF  
\$2,600.00**

7. A recurring question in this case, since counsel's first meeting with Phillips on September 21, 2019, has been the effect of a conviction in this case on Phillip's immigration status in this country. It appears, based on discussions with Phillips, that she had overstayed a Visa that allowed her to legally enter the United States from Jamaica, and was possibly involved in adjusting her status at the point she was arrested on September 18, 2019.

8. Because undersigned counsel does not concentrate his practice in Immigration Law, he has been unable to provide specific answers to Phillips' questions, aside from the general observations that an ICE detainer has been filed against Phillips, and that deportation to Jamaica is a likely consequence of a conviction in this case.

9. To resolve these questions, provide Phillips with effective representation at all stages of this case, and to fully comply with the mandate of Padilla v. Kentucky, 559 U.S. 356 (2010) (criminal defense attorneys must advise noncitizen clients about the deportation risks of a guilty plea), the Court should enter an Order in the form submitted, authorizing compensation up to the statutory maximum amount of \$2,600.00, to be paid to an Attorney with expertise in the field of Immigration Law (an "Immigration Lawyer"), who would be able to advise

Phillips, a citizen of Jamaica, on the consequences of a conviction in this case on eligibility for United States Citizenship, potential deportation, the ability to return to the United States if deported, and related issues.

10. Undersigned counsel plans to select a qualified Immigration Lawyer upon receipt of the Court's authorization and will then advise the Court as to the identity of the lawyer selection, so that compensation and a meeting between Phillips and an Immigration Lawyer can be promptly arranged.

#### **IV. CONCLUSION**

For the reasons stated above, pursuant to the compensation levels for ancillary expert services provided by the Criminal Justice Act for indigent defendants, defendant, Jamelia Phillips, asks the Court to enter an Order in the form submitted, authorizing compensation up to the statutory maximum amount of \$2,600.00, to be paid to a qualified Immigration Lawyer able to advise Jamelia Phillips on the immigration consequences of a guilty plea in this action.

RICHARD HANS MAURER



By: \_\_\_\_\_

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Jamelia Phillips

October 4, 2019

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JAMELIA PHILLIPS

## ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
upon consideration of the Motion filed by Defendant, Jamelia Phillips (“Phillips”) to Authorize Criminal Justice Act Funds for Legal Counsel with Expertise in Immigration Law (the “Motion”), and it appearing to the Court that: (i) Phillips requires the services of a qualified Immigration Lawyer; (ii) Defense counsel in this action is willing and able to identify a qualified Immigration Lawyer on receipt of this Order; and (iii) it is likely that compensation for a qualified Immigration Lawyer will be required in an amount of \$2,600.00, it is hereby ORDERED and DECREED as follows:

1. The Motion is GRANTED;
2. Defense counsel in this action, Richard H. Maurer (“Attorney Maurer”), is AUTHORIZED to retain a qualified Immigration Lawyer to provide legal consultation for Phillips regarding the impact of a conviction in this case on Phillip’s immigration status; and

3. The compensation under the Criminal Justice Act (the “CJA”) for the qualified Immigration Lawyer referenced by this Order, who shall be identified by Attorney Maurer within five days after receipt of this Order, is hereby AUTHORIZED in an amount not to exceed \$2,600.00, which is the current statutory maximum amount for expert and ancillary services provided to defendants pursuant to the CJA.

BY THE COURT:

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U.S.M.J.

**CERTIFICATE OF SERVICE**

Richard H. Maurer hereby certifies that on the date stated below, he served a copy of Defendant's Motion to Authorize Criminal Justice Act Funds for Necessary Translation Services on the following counsel of record by the Court's ECF system:

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October 4, 2019